

FIRST REGULAR SESSION

# HOUSE BILL NO. 1023

## 97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE JONES (50).

2021H.011

D. ADAM CRUMBLISS, Chief Clerk

### AN ACT

To repeal section 573.037, RSMo, and to enact in lieu thereof one new section relating to possession of child pornography, with penalty provisions and an emergency clause.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Section 573.037, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 573.037, to read as follows:

573.037. 1. A person commits the [crime] **offense** of possession of child pornography if such person knowingly or recklessly possesses any child pornography of a minor [under the age of] **less than eighteen years old** or obscene material portraying what appears to be a minor [under the age of] **less than eighteen years old**.

2. **The offense of possession of child pornography is a class [C] D felony [unless] if the person possesses one still image of child pornography or one obscene still image. The offense of possession of child pornography is a class B felony if the person:**

(1) Possesses:

(a) More than twenty still images of child pornography[, possesses] ; **or**

(b) **More than twenty obscene still images; or**

(c) **Child pornography comprised of one motion picture, film, videotape, videotape production, or other moving image [of child pornography,] ; or**

(d) **Obscene material comprised of one motion picture, film, videotape production, or other moving image; or**

(2) Has pleaded guilty to or has been found guilty of an offense under this section[, in which case it is a class B felony].

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17           **3. A person who has committed the offense of possession of child pornography is**  
18 **subject to separate punishments for each item of child pornography or obscene material**  
19 **possessed by the person.**

          Section B. Because immediate action is necessary to protect children the repeal and  
2 reenactment of section 573.037 of section A of this act is deemed necessary for the immediate  
3 preservation of the public health, welfare, peace, and safety, and is hereby declared to be an  
4 emergency act within the meaning of the constitution, and the repeal and reenactment of sections  
5 573.037 of section A of this act shall be in full force and effect upon its passage and approval.

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